

United States District Court
Eastern District of California

Patrick Ronald Holley,

Plaintiff,

vs.

California Department
of Corrections, et al.,

Defendants.

No. Civ. S 04-2006 MCE PAN P

Findings and Recommendations

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Plaintiff is a state prisoner prosecuting this civil rights
action without counsel.

June 3, 2005, the court dismissed plaintiff's claims against
the California Department of Corrections and the California
Medical Facility pursuant to 28 U.S.C. § 1915A, with leave to
amend. The court informed plaintiff he could proceed against
defendants Youngblood, Moreno, D. S. Jones, Davis, R. W.
Williams, M. Veal and K. Aronsen by submitting materials for
service within 15 days, but the court would construe his election

1 so to proceed as consent to dismissal of his claims against the
2 California Department of Corrections and the California Medical
3 Facility without leave to amend.

4 June 14, 2005, plaintiff submitted materials for service of
5 defendants Youngblood, Moreno, D. S. Jones, Davis, R. W.
6 Williams, M. Veal and K. Aronsen. I find plaintiff has consented
7 to dismissal of claims against the California Department of
8 Corrections and the California Medical Facility without leave to
9 amend.

10 Accordingly, the court hereby recommends that claims against
11 the California Department of Corrections and the California
12 Medical Facility be dismissed without prejudice.

13 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
14 findings and recommendations are submitted to the United States
15 District Judge assigned to this case. Written objections may be
16 filed within 20 days of service of these findings and
17 recommendations. The document should be captioned "Objections to
18 Magistrate Judge's Findings and Recommendations." The district
19 judge may accept, reject, or modify these findings and
20 recommendations in whole or in part.

21 Dated: June 21, 2005.

22 /s/ Peter A. Nowinski
23 PETER A. NOWINSKI
24 Magistrate Judge
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